

## REMARKS

Claims 1-74 were pending in the present application. The Examiner rejected Claims 1-6, 9-18, 23-37, 39-41, 44-50, 55-59, and 61-74. Claims 1-74 are once again presented and considered to be in condition for allowance.

In light of the remarks provided below, reconsideration of the application and allowance of all claims as currently presented is respectfully requested.

### **§102 Rejection of Claims 1-3, 5, 6, 9-18, 23, 24, 26-31, 33-37, 39-41, 44-48, 50, 55, 56, 58, 59, 61-63, and 64-74**

The Examiner has rejected Claims 1-3, 5, 6, 9-18, 23, 24, 26-31, 33-37, 39-41, 44-48, 50, 55, 56, 58, 59, 61-63, and 64-74 under 35 USC §102(e) as being anticipated by Agre. The Examiner has indicated that Agre discloses "receiving signals over the second air interface from the second base station" and point to col. 3, lines 48-57. Applicants respectfully wish to point out to the Examiner that this portion of Agre discloses a subscriber in "soft handoff", a condition in which the subscriber is receiving signals **of the same type** from two CDMA base stations. In contrast, the invention of Claim 1 requires that the subscriber receive signals from a second base station over a second air interface, the second air interface **which is of a second type** distinct from the first type. This distinction is very important, since the subscriber will typically have only one receiver and must cease receiving signals of the first type in order to receive signals of the second type. Furthermore, the system disclosed by Agre requires a CDMA beacon to be transmitted in association with GSM base stations in order to allow the subscriber to determine the likelihood that the GSM signals will be acceptable. Accordingly, the GSM base stations must be modified, or a separate CDMA pilot transmitter must be deployed, causing a relatively large expense to be incurred by the GSM operators. In contrast, the invention of Claim 1 does not require any such modification of the GSM base stations or deployment of additional equipment.

It should be noted that Claims 2-34 each depend from Claim 1 and therefore, include this limitation that is neither taught nor suggested by Agre. Furthermore, Claim 35 also includes a similar, in that Claim 34 requires that signals be received "from the first and second cells over the first and second air interfaces, respectively". Claims 36 - 66 each depend from Claim 35, and therefore are patentable over Agre for the same reasons provided with respect to Claim 1.

With regard to Claim 67 and those claims that depend therefrom, a limitation is presented which requires "determining a characteristic of the signals, **responsive to the determined location area of the second cell**". It should be noted that nothing in the cited references teaches or suggests this limitation.

Furthermore, with regard to Claim 71 and the claims that depend therefrom, a similar limitation is recited.

Accordingly, Applicants respectfully traverse the Examiner's rejection of each of the claims presently before the Examiner.

In addition, Applicants wish to take issue with the Examiner's "official notice" that use of desired interfacing protocol layers are well known in the art. Accordingly, if this remains at issue, Applicant respectfully requests the Examiner to provide a reference illustrating this fact.

**§103 Rejection of Claims 4, 25, 32, 49, 57, and 64**

The Examiner has rejected Claims 4, 25, 32, 49, 57, and 64 as being unpatentable over Agre. Applicants respectfully traverse the Examiner's rejections under §103 for the reasons stated above.

In light of the foregoing, the Examiner's reconsideration of this application with a view toward allowance is respectfully requested. The Examiner is invited to call the undersigned agent if a telephone call could help solve any remaining items.

Respectfully submitted,

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